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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,983	02/25/2004	Masaki Tonomura	826.1929	8965
21171	7590	02/04/2008		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER VO, HIEN XUAN	
			ART UNIT 2863	PAPER NUMBER
			MAIL DATE 02/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,983

Applicant(s)

TONOMURA ET AL.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 13, 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/14/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-8, 10-11, 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kil et al. (US 2003/0115192) further in view of Nessett et al. (U.S. Patent No. 5,727,145).
3. With respect to claims 1, 5, Kil et al. disclose one-step data mining with natural language specification and results including an electronic text parsing unit (see e.g. Fig.3, item 315), the electronic text parsing unit emulating the receiving portion of a server by parsing an electronic text transmitted from a program to be tested to detect a required data item (see e.g. paragraphs 0053-0054); and an electronic text data setting unit embedding an input data value, which corresponds to the detected data item, in an electronic text to be transmitted to a side of the program to be tested (see e.g. paragraphs 0056-0057) except for teaching a stub-call means to invoke the stub apparatus is provided in the program to be tested.
4. Nessett et al. disclose mechanism for locating objects in a secure fashion including a stub-call means to invoke the stub apparatus is provided in the program to be tested (see e.g. Fig. 1a, item 25, and col. 4, lines 58-67). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to

use a stub function as taught by Nessett et al. in a method and apparatus for controlling a data mining operation in natural language of Kil et al. to communicate process and invoke a an operation on a distributed object or a process.

5. With respect to claims 2-4, 6-8 Kil et al. disclose the invention as claimed including a setting screen generating unit generating a data setting screen for receiving the input data value, which corresponds to the detected data item, and giving the set value to said electronic text data setting unit (see e.g. Fig.2), an input value generating unit automatically generating input data in correspondence with the data item detected by said electronic text parsing unit, and giving the generated input data to said setting screen generating unit (see e.g. Fig. 3); an electronic text data storing unit storing the set data value embedded by said electronic text data setting unit; and an electronic text data reading unit reading the data stored in said electronic text data storing unit, and giving the read data to said setting screen generating unit as the input data (see e.g. paragraph 0056).

6. With respect to claims 10-11, 17, the limitations of these claims have been noted in the rejection above. They are therefore consider rejected as set forth above.

7. Claims 12-13, 15-16 allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: see the previous office action.

9. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

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10. Applicant's arguments with respect to claims 1-8, 10-13, 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hien Vo
01/22/08


John Barlow
Supervisory Patent Examiner
Technology Center 2800